

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Daniel Moncivais

Case No. 5:21-MJ-2390

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 6, 2021 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 922 (g)(1)

it shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

/s/ Darren Johnson

Complainant's signature

Darren Johnson, ATF SA

Printed name and title

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed. R. Crim. P. 4.1:

Date: 11/04/2021

*Judge's signature*City and state: Laredo, Texas

Christopher dos Santos, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On January 31, 1996, Daniel MONCIVAIS was convicted at the 49th Judicial District Court, in Webb County, Texas for “Possession of a Controlled Substance” (Cocaine), a 2nd Degree Felony Offense in the State of Texas, that is punishable by imprisonment for a term exceeding one year; CAUSE NO. K95-560.

On June 28, 2013, MONCIVAIS was convicted at the United States District Court, Southern District of Texas, Laredo Division, for 18 USC 922(g)(1) “Possession of a Firearm by a Convicted Felon”, a federal felony offense that is punishable by imprisonment for a term exceeding one year; Case# 5:13-cr-00570-1.

On May 9, 2014, MONCIVAIS was convicted at the 49th District Court, in Webb County, Texas for “Injury to Child/Elderly/Disable with Intent to Cause Bodily Injury”, a 3rd Degree Felony Offense in the State of Texas, that is punishable by imprisonment for a term exceeding one year; CAUSE NO. C2013CRP263D1.

On October 6, 2021, Laredo Police Department (LPD) Officers were dispatched to a Sports & Outdoors retail store, located on the 5700 block of San Bernardo Ave, in Laredo, Texas, for a shoplifting incident. LPD Officers learned that MONCIVAIS attempted to exit the store without paying for stolen ammunition. LPD Officers arrested MONCIVAIS for theft of the ammunition.

On October 7, 2021, LPD Officers contacted Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and informed ATF of the shoplifting incident involving ammunition. ATF queried MONCIVAIS criminal history and confirmed that MONCIVAIS is a previously convicted felon.

ATF went to the retail store and saw MONCIVAIS on video surveillance cameras (recorded 10/06/2021) concealing ammunition inside his (MONCIVAIS) shorts. ATF then observed retail store employees approach MONCIVAIS near the front exit. ATF TFO further observed MONCIVAIS taking the ammunition out of his shorts and placing the ammunition onto a counter near the cash register.

ATF identified the ammunition as fifty (50) rounds of 9 millimeter “Luger.” ATF determined that the ammunition was manufactured by “Fiocchi Ammunition USA” in the State of Missouri, and therefore affecting interstate commerce.